



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-CR-20403-DIMITROULEAS(s)

21 U.S.C. § 963

46 U.S.C. § 70506(b)

46 U.S.C. § 70503(a)(1)

46 U.S.C. § 70507(a)

21 U.S.C. § 853

UNITED STATES OF AMERICA

vs.

DAIRO ANTONIO USUGA-DAVID,

a/k/a "Otoniel,"

a/k/a "Mao,"

a/k/a "Mauricio,"

Defendant.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

Beginning at least as early as in or around 2002, the exact date being unknown to the Grand Jury, and continuing until on or about October 23, 2021, in the countries of Colombia, Venezuela, Ecuador, Guatemala, Panama, Honduras, Costa Rica, Nicaragua, Mexico and elsewhere, the defendant,

DAIRO ANTONIO USUGA-DAVID,

a/k/a "Otoniel,"

a/k/a "Mao,"

a/k/a "Mauricio,"

did knowingly and willfully combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury, to distribute a controlled substance in Schedule II, intending, knowing, and having reasonable cause to believe that such controlled substance would be

unlawfully imported into the United States, in violation of Title 21, United States Code, Section 959(a); all in violation of Title 21, United States Code, Section 963.

It is further alleged that the controlled substance involved in the conspiracy attributable to the defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 963 and 960(b)(1)(B).

COUNT 2

Beginning at least as early as in or around April 2009, the exact date being unknown to the Grand Jury, and continuing until on or about October 23, 2021, the defendant,

DAIRO ANTONIO USUGA-DAVID,
a/k/a "Otoniel,"
a/k/a "Mao,"
a/k/a "Mauricio,"

did knowingly and willfully combine, conspire, confederate and agree with persons known and unknown to the Grand Jury, to possess with intent to distribute a controlled substance, on board a vessel subject to the jurisdiction of the United States, in violation of Title 46, United States Code, Section 70503(a)(1); all in violation of Title 46, United States Code, Section 70506(b).

It is further alleged that the controlled substance involved in the conspiracy attributable to the defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 46, United States Code, Section 70506(a) and Title 21, United States Code, Section 960(b)(1)(B).

FORFEITURE ALLEGATIONS

1. The allegations of Counts 1 and 2 of this Superseding Indictment are re-alleged and

incorporated herein for the purpose of alleging criminal forfeiture to the United States of America of certain property in which the defendant **DAIRO ANTONIO USUGA-DAVID, a/k/a "Otoniel," a/k/a "Mao," a/k/a "Mauricio,"** has an interest.

2. Upon conviction of a violation of Title 21, United States Code, Section 963, as alleged in Count 1 of this Superseding Indictment, the defendant shall forfeit to the United States any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation and any property which the defendant used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

3. Upon conviction of a violation of, or a conspiracy to violate, Title 46, United States Code, Section 70503, as alleged in Count 2 of this Superseding Indictment, the defendant shall forfeit to the United States any property described in Title 21, United States Code, Section 881(a) that is used or intended for use to commit, or facilitate the commission of, such violation, pursuant to Title 46, United States Code, Section 70507(a).

All pursuant to Title 21, United States Code, Sections 853 and 970, Title 46, United States Code, Section 70507(a), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON



JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY



ROBERT J. EMERY
ASSISTANT UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. 15-CR-20403-WPD(s)

v.

DAIRO ANTONIO USUGA-DAVID,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Defendant

Court Division: (Select One)

☒ Miami ☐ Key West
☐ FTL ☐ WPB ☐ FTP

 New defendant(s) Yes ☐ No ☒
 Number of new defendants 0
 Total number of counts 2

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) Yes
List language and/or dialect Spanish
- This case will take 60 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)

- I 0 to 5 days ☐
 II 6 to 10 days ☐
 III 11 to 20 days ☐
 IV 21 to 60 days ☒
 V 61 days and over ☐

(Check only one)

- Petty ☐
 Minor ☐
 Misdem. ☐
 Felony ☒

6. Has this case previously been filed in this District Court? (Yes or No) Yes

If yes: Judge Dimitrouleas

Case No. 15-CR-20403

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? Yes ☐ No ☒
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes ☐ No ☒
- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes ☐ No ☒

ROBERT J. EMERY

ASSISTANT UNITED STATES ATTORNEY

Court ID No.: A5501892

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: DAIRO ANTONIO USUGA-DAVID

Case No: 15-CR-20403-WPD(s)

Count #: 1

Conspiracy to distribute more than 5 kilograms of cocaine knowing it would be unlawfully imported into the United States

Title 21, United States Code, Section 959(a), 963

*Max. Penalty: Life Imprisonment

Count #: 2

Conspiracy to possess with the intent to distribute more than 5 kilograms of cocaine on board a vessel subject to jurisdiction of the United States

Title 46, United States Code, Section 70503(a)(1), 70506(b)

*Max. Penalty: Life Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**